



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ECOSYSTEMS,
TRIBAL AND PUBLIC
AFFAIRS

April 27, 2015

Randy Bailey

(b) (6)

Dear Mr. Bailey:

This is in response to your Freedom of Information Act request number EPA-R10-2015-006362 to the U.S. Environmental Protection Agency, dated January 30, 2015, which you renewed on March 24, 2015.¹ In Part 1 of your request, you ask for a "copy of the analysis plan," as defined in the EPA's *Guidelines for Ecological Risk Assessment*, for *An Assessment of Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska (Bristol Bay Watershed Assessment)*. In Part 2 of your request, you ask for the "name(s) and organizations(s) of EPA employee(s) who prepared and approved the analysis plan."

With regard to Part 1 of your request, the major documents that the EPA produced that reflect the EPA's analysis planning are the following, all of which are publicly available:

1. EPA, EPA 910-R-14-001A, *An Assessment of Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska* (January 2014), available at <http://cfpub.epa.gov/ncea/bristolbay/recordisplay.cfm?deid=253500>.
2. EPA, EPA 910-R-12-004A, *External Review Draft, An Assessment of Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska* (May 2012), available at <http://cfpub.epa.gov/ncea/bristolbay/recordisplay.cfm?deid=241743>.
3. EPA, EPA 910-R-12-004Ba, *Second External Review Draft, An Assessment of Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska* (April 2013), available at <http://cfpub.epa.gov/ncea/bristolbay/recordisplay.cfm?deid=242810>.
4. Versar, Inc., *Final Peer Review Report: External Peer Review of EPA's Draft Document, An Assessment of Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska* (September 17, 2012), available at <http://www.epa.gov/ncea/pdfs/bristolbay/Final-Peer-Review-Report-Bristol-Bay.pdf>.
5. *Peer Review Follow-On Comments on the April 2013 Draft of An Assessment of Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska* (January 2014), available at http://www.epa.gov/ncea/pdfs/bristolbay/PR_Follow-on_Comments.pdf.

¹ For faster processing, please submit any future FOIA requests to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), or, for fastest processing, on FOIAonline, <https://foiaonline.regulations.gov>.


6. EPA, *Response to Peer Review Comments on the May 2012 and April 2013 Drafts of An Assessment of Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska* (January 2014), available at <http://www.epa.gov/ncea/pdfs/bristolbay/EPAs%20Response%20to%20Peer%20Rev%20Comments.pdf>.
7. EPA, *Response to Public Comments on the May 2012 Draft of An Assessment of Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska* (March 2014), available at http://www.epa.gov/ncea/pdfs/bristolbay/EPAs%20Response%20to%20Public%20Comments_1stERD_May2012.pdf.
8. EPA, *Response to Public Comments on the April 2013 Draft of An Assessment of Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska* (March 2014), available at http://www.epa.gov/ncea/pdfs/bristolbay/EPAs%20Response%20to%20Public%20Comments_2ndERD_Apr2013.pdf.
9. Versar, Inc., *Final Peer Review Summary Report: External Peer Review of Kuipers et al. 2006 (Comparison of Predicted and Actual Water Quality at Hardrock Mines) and Earthworks 2012 (U.S. Copper Porphyry Mines Report)* (November 15, 2012), available at <http://cfpub.epa.gov/ncea/bristolbay/recordisplay.cfm?deid=182065>.
10. Versar, Inc., *Final Peer Review Summary Report: External Peer Review of Wobus et al. 2012: Potential Hydrologic and Water Quality Alteration from Large-scale Mining of the Pebble Deposit in Bristol Bay, Alaska* (November 2, 2012), available at <http://cfpub.epa.gov/ncea/bristolbay/recordisplay.cfm?deid=182065>.
11. Versar, Inc., *Final Peer Review Summary Report: External Peer Review of Chambers and Higman 2011 (Long Term Risks of Tailing Dam Failure) and Levit and Chambers 2012 (Comparison of the Pebble Mine with other Alaska Large Hard Rock Mines)* (December 30, 2012), available at <http://cfpub.epa.gov/ncea/bristolbay/recordisplay.cfm?deid=182065>.
12. Versar, Inc., *Final Peer Review Summary Report: External Peer Review of Woody and O'Neal 2010 (Fish Surveys in Headwater Streams of the Nushagak and Kvichak River Drainages Bristol Bay, Alaska, 2008-2010) and Woody and Higman 2011 (Groundwater as Essential Salmon Habitat in Nushagak and Kvichak River Headwaters: Issues Relative to Mining)* (December 30, 2012), available at <http://cfpub.epa.gov/ncea/bristolbay/recordisplay.cfm?deid=182065>.

In Part 2 of your request, you request the "name(s) and organization(s) of EPA employee(s) who prepared and approved the analysis plan" for the *Bristol Bay Watershed Assessment*. The EPA does not have records that are responsive to this portion of your request, and FOIA does not obligate agencies to create records to respond to FOIA requests.

You have the right to appeal this determination. Submit your appeal letter to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, D.C., 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the tracking number listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Should you have any questions concerning this response, please contact Ashley Palomaki at palomaki.ashley@epa.gov. This concludes the EPA Region 10 response to FOIA number EPA-R10-2015-006362.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Allnutt', with a stylized flourish at the end.

David Allnutt, Director
Office of Ecosystems, Tribal and Public Affairs